

REMARKS

The examiner is thanked for a thorough examination of the present patent application.

I. CLAIMS OBJECTED TO BUT WOULD BE ALLOWABLE

Claims 6-9 and 13-20 were "objected to as depending upon rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Office Action, p. 2.

Claim 6 is currently amended and rewritten in independent form including all of the limitations of the base claim (original Claim 1) and previously intervening claim (original Claim 2). Claims 7 and 9 are currently amended to depend from Claim 6, currently amended. Claim 8 depends from Claim 6, currently amended.

Claim 13 is currently amended and rewritten in independent form including all of the limitations of the base claim (original Claim 10) and previously intervening claim (original Claim 12). Claims 14, 15, 17, 18, and 19 are currently amended to depend from Claim 13, currently amended. Claim 16 depends from Claim 15, currently amended. Claim 20 depends from Claim 19, currently amended.

The applicant respectfully submits that the objection to Claims 6-9 and 13-20 are overcome and that these claims are in condition for allowance.

II. REJECTION OF CLAIMS

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Liu (U.S. Patent No. 6,005,694). Claim 1 is canceled herein, obviating the rejection.

Claim 2 was rejected under 35 U.S.C. 102(b) as being anticipated by the Liu reference. The applicant respectfully traverses. Claim 2 is currently amended to recite

limitations of original Claim 1, now canceled, as well as the limitations of original Claim 2.

“A claim is anticipated only if **each and every element** as set forth in the claim is found ... in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*, 814 f.2d 628, 631, USQP2D 1051 (Fed. Cir. 1987) (Emphasis added). In fact, for a valid rejection under 35 U.S.C. 102(b), “[t]he **identical invention** must be shown in as **complete detail** as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (Emphasis added). Moreover, “**All words** in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494 (CCPA 1970) (Emphasis added).

Further, “[i]n rejecting claims ... **the particular part relied on must be designated** as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 CFR 102(c)(2) (emphasis added).

Claim 2 recites, *inter alia*, “a control circuit having node identification.” Claim 2. the Office Action alleges that the alleged control circuit 208 of the Liu reference includes node identification. Office Action, p. 2. The applicant respectfully traverses and respectfully submits that the alleged control circuit 208 of the Liu reference, does NOT have a node identification. The cited sections (col. 5, lines 8-15 and col. 6., lines 31-41) fails to teach that the alleged control circuit 208 of the Liu reference include a node identification.

Accordingly, the applicant respectfully submits that the Liu reference fails to anticipate Claim 2 and that Claim 2, currently amended, is allowable over the cited reference.

Claims 3, 4, and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by the Liu reference. The applicant respectfully traverses. Claims 3 (original), 4 (original), and Claim 5 (currently amended) depend on Claim 2, currently amended. The applicant respectfully submits that the Claims 3, 4, and 5 are allowable over the cited reference for at

least the same reasons for which Claim 2 is allowable. See, e.g., *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claim 10 was rejected under 35 U.S.C. 102(b) as being anticipated by the Liu reference. Claim 10 is canceled herein, obviating the rejection.

Claim 11 was rejected under 35 U.S.C. 102(b) as being anticipated by the Liu reference. The applicant respectfully traverses. Claim 11 is currently amended to recite limitations of original Claim 1, now canceled, as well as the limitations of original Claim 11. Claim 11 recites, *inter alia*, "a control circuit having a first node identification." Claim 11. the Office Action alleges that the alleged control circuit 208 of the Liu reference includes node identification. Office Action, p. 2. The applicant respectfully traverses and respectfully submits that the alleged control circuit 208 of the Liu reference, does NOT have a node identification. The cited sections (col. 5, lines 8-15 and col. 6., lines 31-41) fails to teach that the alleged control circuit 208 of the Liu reference include a node identification.

Claim 12 was rejected under 35 U.S.C. 102(b) as being anticipated by the Liu reference. The applicant respectfully traverses. Claim 12, currently amended, depends on Claim 11, currently amended. The applicant respectfully submits that the Claim 12 is allowable over the cited reference for at least the same reasons for which Claim 11 is allowable. See, e.g., *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claims 21-28 are method claims rejected under 35 U.S.C. 102(b) as being anticipated by the Liu reference. The applicant respectfully traverses.

Firstly, the applicant respectfully submits that the rejection of Claims 21-28 are invalid under **procedural grounds** because the Office Action fails to meet the burden to support the rejection under 35 U.S.C. 102(b).

"A claim is anticipated only if **each and every element** as set forth in the claim is found ... in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, USQP2D 1051 (Fed. Cir. 1987) (Emphasis added). In fact, for a valid rejection under 35 U.S.C. 102(b), "[t]he **identical invention** must be shown in as **complete detail** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (Emphasis added). Moreover, "**All words** in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494 (CCPA 1970) (Emphasis added).

Further, "[i]n rejecting claims ... **the particular part relied on must be designated** as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 CFR 102(c)(2) (emphasis added).

Here, the Office Action fails to even allege that each and every element as set forth in the claims is found in the Liu reference. In fact, the Office Action makes no discussions of Claims 21-28 whatsoever and also fails to cite any part of the Liu reference relied on for the rejection.

In light of the fact that the rejection is invalid on its face, the applicant respectfully submits that no further discussion is necessary for the allowance of Claims 21-28. However, to further assist the examiner, the applicant respectfully submits, without prejudice, the following analysis:

Secondly, the applicant respectfully submits that the rejection of Claims 21-28 are invalid under **substantive grounds** because the Liu reference cannot and does not teach the limitations of Claims 21-28. For example, the Liu reference fails to teach a path router having connection information as recited in Claim 21, an independent claim.

Consequently, the Liu reference does not and cannot anticipate Claims 21-28, and Claims 21-28 should be allowed.

CONCLUSION

In view of the foregoing Remarks, the applicant respectfully submits that the entire application is in condition for allowance. The applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



04/12/2004

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